

its last Session held at Mavelikara, asked me to take charge of the Bill. I may mention in this connection that I had the pleasure and the privilege of being one of the co-opted members for the purpose of the Bill and I was also a member of the Select Committee.

That Select Committee which consisted of such eminent lawyers and leaders as Messrs. Changanachery Paramesvaran Pillai, P. K. Narayana Pillai and V. S. Subrahmanya Aiyar and presided over by Mr. V. Subba Aiyar, after carefully going through all the details and after a careful scrutiny, has given the Bill a shape which is acceptable to all concerned. Under these circumstances it is but proper that that report is presented for the consideration of this Council. I hope that I will have the cordial support of all my non-official brother members and that of the Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Sir, I wish to have a ruling on this point—that is, what is the procedure to be adopted when a motion to take charge of a Bill is put forward. Is it the procedure described when a member moves for leave to introduce a Bill? Or, is it the procedure to be adopted when a Bill is brought before the Council after leave for introduction has been sanctioned? Or again, is it any other procedure that has to be adopted in the matter?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not specifically laid down what kind of procedure should be adopted in regard to this. It seems clear therefore that the ordinary procedure in regard to ordinary motions may be adopted and that after the motion is made it is open to any member to oppose it.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Since this is a legislative measure, I want to know the procedure that has to be adopted according to the rules.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The ordinary procedure in regard to motions will have to be followed.

PRESIDENT: That is correct. The ordinary procedure in regard to motions will apply.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): The point is not quite clear. I wish to explain—

PRESIDENT: I have just given you a decision that the ordinary procedure in regard to motions generally will apply to this case also.

May I take it that the House accepts the motion?
The motion was accepted by the House.

THE KANAPATTAM BILL.

MR. A. G. MENON (*Parur*): Sir, I rise —

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I wish to raise a point of order for your order. While I am anxious that a legislation on the lines adopted by Mr. Menon—

PRESIDENT : I am afraid two of you cannot at the same time be in possession of the House.

MR. S. PIRAVIPERUMAL PILLAI (Commerce and Industry, South): Sir, a point of order can be raised at any time and I am entitled to speak on it.

PRESIDENT : Mr. Menon, you will have to sit down.

MR. S. PIRAVIPERUMAL PILLAI (Commerce and Industry, South): Sir, while I am anxious to see that the Bill is introduced at a very early date, I am equally, if not more, anxious to see that the rights and privileges of this House are zealously safeguarded.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (Ag. Director of Public Instruction) : Should not the member raising a point of order state the point of order before making a speech?

MR. S. PIRAVIPERUMAL PILLAI (Commerce and Industry, South): I am stating the point of order. Standing Order 3 (b) clearly states that—

"The Secretary shall at least fourteen clear days before the date fixed for each meeting send to every member a provisional list of Legislative business to be brought forward at such meeting. After sending such provisional list, the Secretary shall send to every member a statement of the business to be transacted at such meeting so as to reach his permanent or Trivandrum address at least 3 days before the date of each meeting."

And Standing Order 7 (3) states that—

"No business requiring notice shall be set down for a day earlier than the period of the necessary notice."

Sir, if now you make the Standing Order and then ignore it and give Mr. Menon permission to introduce the Bill, I am afraid we will be allowing a very dangerous precedent to creep in, and later on our rights and privileges will be usurped by the Government. They may at any moment come forward with any Bill. Therefore, Sir, as the custodian of the rights and privileges of this House I appeal to you to give a ruling.

MR. KAYALAM PARAMESVARAN PILLAI (Additional Head Sirkar Vakil) : Will the member kindly state the provision of rule which says that a motion introducing a Bill requires notice?

MR. S. PIRAVIPERUMAL PILLAI (Commerce and Industry, South): If it is a legislative business and it should come in the provisional list.

MR. KAYALAM PARAMESVARAN PILLAI (Additional Head Sirkar Vakil) : May I take it that it is Mr. Piraviperumal Pillai's view that his motion does not require notice?

MR. S. PIRAVIPERUMAL PILLAI (Commerce and Industry, South) : My point is that this requires notice and that it is not in the provisional list.

MR. K. P. NILAKANTA PILLAI (Chirayināṭṭil) : May I know from the member whether he is aware that the Bill has been published in the Gazette?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): It is not at all relevant to the point at issue.

MR. A. G. MENON (*Parur*): I wish to say that the member who raised the point of order is himself out of order, because, only after my name had been called out and I stood up he began to make this point. I submit that if this is to be the case, it is impossible to carry on the business of the House. My name was called out and I stood up and began to make a speech when I was interrupted.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I wish to refer Mr. Menon to Rule 26 (2) which allows a member to raise a point of order at any time for the decision of the President.

PRESIDENT: A point of order may be raised at any stage.

MR. A. G. MENON (*Parur*): I have already given notice of the Bill. In the rule provided for the introduction of the Bill no notice is required. Only in that section which relates to asking for leave to introduce a Bill a notice is required. Moreover, the other notice which is spoken of is only the provisional list. The provisional list is certainly not a final list.

PRESIDENT: The point is whether your present motion forms part of the legislative business of the House or not.

MR. A. G. MENON (*Parur*): Certainly, yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, on the point of order raised by my friend Mr. Piraviperumal Pillai I beg to observe that it has no application with regard to the matter now to be considered by this House. For Standing Order 31 says that at any time after a Bill has been published in the Gazette the member in charge of the Bill may introduce it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Can he then introduce it even if it is not included in the day's list?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes, that is exactly what I am saying. It was therefore that I put a question to Mr. Piraviperumal Pillai whether the Bill was not published in the *Gazette*. He said that it was not relevant. But it is highly relevant to the point of order raised by him. This Bill had been published in the *Gazette*.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know from the member whether this is a Bill that requires notice?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): My friend will do better to hear patiently what I am stating and then, if he feels any doubt, I am prepared to answer his questions.

Therefore, Sir, since it has been already published in the *Gazette* the member in charge of the Bill moved for leave to introduce the Bill in this House last time. That was allowed by the House. Therefore

[Mr. K. P. Nilakanta Pillai.]

as matters stand now, it is not strictly necessary for the member in charge of the Bill to give notice for introducing the Bill for the consideration of this House. There is no provision also requiring the notice. As the provisions stand, even without notice the member is at liberty to introduce the Bill. Now the Secretary to the Legislative Council has given notice of the Bill; whether it is 14 days' notice or some days' notice, there is notice. Therefore, over and above what is required by the provisions of the Standing Orders, something has been done by the Legislative Council Secretary in his giving the notice.

• **MR. S. PIRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): I wish to point out that 14 days' notice is required by the rules.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That does not apply to the Bills. That applies to the general business to be transacted in this House.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Sir, all that Standing Order 3 (b) says is that—

“the Secretary shall at least fourteen clear days before the date fixed for each meeting send to every member a provisional list of legislative business to be brought forward at such meeting.”

I have received a notice of business as regards the introduction of this Bill fourteen clear days before and I presume that the Secretary has sent such a notice to other members also.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): The copy that I received was a cyclostyle copy and I think Mr. Asan also got such a copy. Hence I do not know how such copy could have been sent to him fourteen days before.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): My friend cannot say what copy I received. I got a typed copy sent from here 14 clear days before and I believe that the Secretary must have sent copies of the same to all the members. If the Secretary has sent such a notice, no member could say that he has not received it, for then he will be out of order. Even conceding that Mr. Piraviperumal Pillai's point of order is correct, which I do not admit, sufficient notice has been given as regards the introduction of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it Mr. Asan's position that even if a legislative business is not included in the provisional list, it may be transacted in the Council?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): What I have to submit is that there are two lists, the provisional list and the final list. Provision is made for both lists because, if there is anything to be remedied in the provisional list, the final list can do. But here what I have to submit is the second notice from the Secretary has remedied the defect, if there was any in the provisional list, and the final list comes only now. There was no defect even in the provisional list.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it Mr. Asan's position that even if a legislative business is not included in the provisional list, it may be taken up?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): I do not concede that. If it is not included in the provisional list and if that list is not corrected within sufficient time, I do not say that the legislative business could be included in the final list.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What is the time according to Mr. Asan within which the provisional list should be corrected?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Reasonable time.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Not as defined by the Standing Orders?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): The President is entitled to waive a notice of these things.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Would the member be satisfied with, say, an hour as a reasonable time?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): I leave it entirely to the President.

MR. A. G. MENON (*Parur*): Under the Rules, a notice is required to the members only as regards motions for leave to introduce a Bill. In introducing a Bill, notice is required, simply because the Secretary has to include it in the agenda paper. But I do not think any notice is required to be given to the members if the Bill has already been published in the Gazette. It is the Secretary who must know whether a member is going to introduce a Bill or not and for that purpose a notice is necessary for including it in the agenda paper. Now, I submit, nobody can dispute the propriety of bringing this Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think, Sir, that the Deputy President should enlighten the House on this point of order.

RAO BAHADUR K. A. KRISHNA AYYANGAR (*Nominated, Deputy President*): It seems rather hard that my friend should call on me to express my opinion on a question which I had no occasion to go into in detail till now. That the business before the House is a legislative business does not admit of any dispute. That the business sought to be introduced in the Council is of a legislative character does not admit of any controversy. The Standing Orders do say that they require a tentative programme to be sent to the members at least fourteen clear days before the date of the meeting. We cannot treat it as not having any significance. Strictly speaking, therefore, according to my view of it as at present advised, if due notice has not gone to all the members and, if as a matter of privilege they claim that they are entitled to that notice, the objection raised by Mr. Piraviperumal Pillai appears to me to be in order.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): How would the learned Deputy President reconcile Standing Order 31 with Standing Order 3 (b)?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Really there is no conflict. The scheme has to be read as a whole. The Statute, the Rules and the Standing Orders have to be read as a whole and, so interpreted, there is no real contradiction.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the learned Deputy President that if the business is already brought on the agenda, paper, for introducing a Bill fourteen days' notice has to be observed?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Mere inclusion of it in the agenda, if it is opposed to the Standing Orders and the Rules, will not take away the objectionable features of the business itself. It may be done, but that does not take away the right of the members to raise their objection and claim their privilege.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Even if that is so, does the learned Deputy President think that the fourteen days' notice has to be counted from the date on which the notice is given to the date on which the business is to be conducted?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I think that the language of the Standing Order is clear.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I point out that clear days are definitely defined?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the Secretary to the Legislative Council when he issued the notice?

PRESIDENT: You must put that question after the point of order has been decided.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I must confess that I am in a very difficult situation. Personally speaking, I am inclined to think that this business may be proceeded with. Firstly, because the list in which it is not included is only a *provisional* list and not the *final* one, and secondly, because the business is in the day's list. Since the matter is put forward as concerning the privileges of the members of the House, I am inclined to give very great weight to the opinion of the learned Deputy President who on occasions has to occupy your place. It seems to me, Sir, that his view is entitled to very great weight, although I would not go so far as to commit Government definitely to that view.

MR. A. G. MENON (*Parur*): In view of the fact that certain members have got notice in time, should this not weigh in the consideration of the point of order?

PRESIDENT: It is only a question of fact. We must first settle the point of order.

MR. A. G. MENON (Parur): Anyhow, I request the President just to read Standing Order 30 (4) which relates to a period for notice as regards leave to introduce a Bill, but nothing is said in the Section which authorises a member seeking to introduce a Bill to give any notice. The Bill has already been published in the Gazette and if the mover has sent notice of it to the Secretary to the Council it is the latter who should have it included in the agenda. I submit that for the introduction of the Bill no notice is necessary to the members. The provision does not contemplate it, or else something should have been said about it in the provision which treats of the procedure to be observed when a Bill is to be introduced in the Council. Nothing is provided as regards the introduction of the Bill itself and therefore the member can introduce it at any time.

MR. KAYALAM PARAMESVARAN PILLAI (Additional Head Sirkari Vakil): With your permission, Sir, I wish to say a word in regard to that. If it is considered that the Standing Order in question does apply to this business, then there is an express provision in Standing Order 20 which says that the President may disallow a business if it does not comply with the Rules or Standing Orders. If we accept the view of the learned Deputy President that this business should be included in the provisional list according to the Standing Orders, as correct, then Standing Order 20 would apply.

MR. A. G. MENON (Parur): I do not know of any one single case which has arisen like this. I have been three times a member of this Council and no such question has been raised even though shorter notice had been given. What I beg to submit is that, as a matter of practice, this objection should never be allowed.

PRESIDENT: The point of order raised is of considerable importance and some little difficulty. I shall therefore take time to come to a decision and announce it, which I hope to do as early as possible. Meanwhile we will pass on.

MR. A. THANU PILLAI (Trivandrum): May I know from the Secretary to the Legislative Council when he issued the notice regarding the provisional list?

MR. T. P. RAMASUBBA AIYAR (Secretary to the Legislative Council): The provisional list of business was sent on the 8th of April 1929. It was after that that Mr. A. G. Menon's notice to the Secretary of his intention to move for the introduction of this Bill reached the Secretary. On the 10th a subsequent letter was sent to all the members intimating them of Mr. A. G. Menon's intention.

MR. K. P. NILAKANTA PILLAI (Chirayinkil): May I know the date on which Mr. Menon's letter was received?

MR. T. P. RAMASUBBA AIYAR (Secretary to the Legislative Council): His letter was received on the 8th of April.

MR. A. G. MENON (*Parur*): Is it the 25th or 26th of last month? I sent the notice on 24-8-04.

MR. T. P. RAMASUBBA AIYAR (*Secretary to the Legislative Council*): On the 6th of April it was sent from Parur and I received it on the 8th of April. That corresponds to the 26th of last month.

MR. A. THANU PILLAI (*Trivandrum*): Is that not enough?

MR. T. P. RAMASUBBA AIYAR (*Secretary to the Legislative Council*): As soon as it was received a supplementary letter was sent to all the members saying that Mr. Menon has expressed his intention to introduce the Bill. That was on the 10th. It could not be done earlier as the matter had to be considered before giving the intimation to members.

MR. A. G. MENON (*Parur*): Even according to that there was 16 days' notice.

MR. T. P. RAMASUBBA AIYAR (*Secretary to the Legislative Council*): Each member may not have had clear 14 days' notice.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Even if it is calculated from the 10th of April we do not get clear 14 days.

MR. A. G. MENON (*Parur*): Ordinarily for all parts of Travancore only one day's delay happens. A letter posted here today at 8 P. M. can be got at Parur tomorrow before 3 o'clock. I do not think that any part of this State is more distant than Parur.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Apart from all this the President has to consider how the House is prejudiced by the want of notice.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I point out that if this is allowed the Government or any other member may bring a Bill with even an hour's notice; he may bring the notice of a Bill on Saturday and move it on Monday. I am very particular the rights and privileges of this House should be rigorously safeguarded.

MR. A. G. MENON (*Parur*): Is there any meaning in having a provisional list and then a final list, if a defect in the provisional list is allowed to stand in our way?

PRESIDENT: As I said, I will have to consider the matter before I give a ruling. Pending my ruling your motion will have to wait.

MR. A. G. MENON (*Parur*): That is in effect equal to a motion that the subject be passed over at the present time.

PRESIDENT: No. I shall take an early opportunity of announcing my ruling.

MR. A. G. MENON (*Parur*): May I know, Sir, whether it will be announced before the closing of the Session?

PRESIDENT: I hope so. I want to look up precedents and see whether the same question has arisen elsewhere.

THE TRAVANCORE COMPENSATION FOR TENANTS' IMPROVEMENTS BILL. 535

MR. A. G. MENON (*Parur*): Anyhow, I request the President to take notice of the fact that I gave notice to the Secretary in time, that the latter received it in time and that the delay of two days was not my fault and also that even the delay of two days does not matter.

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*): This is a very important matter and according to Standing Order 32 the President can use his discretion in giving up 14 days' notice and allowing the motion to be made at once.

PRESIDENT: Also under Standing Order 20 the President can disallow the motion.

MR. A. THANU PILLAI (*Trivandrum*): May I draw the attention of the President to Standing Order 19 which says "provided that the President may in his discretion admit at any time any motion at shorter notice than that prescribed by any order or may admit a motion without notice."

PRESIDENT: I will draw the member's attention to Standing Order No. 20.

MR. A. THANU PILLAI (*Trivandrum*): There it is said that the President may disallow any motion when in his opinion it does not comply with the Rules or Standing Orders. It is therefore I suggest, that allowing a motion lies within the discretion of the President. Besides, considering the importance of the matter at this juncture, the President, I suggest, may use his discretion.

PRESIDENT: I will consider the matter in all its aspects.

Motion for leave to introduce the High Court Regulation Amendment Bill.

PRESIDENT: Mr. Patchu Pillai, you can make your motion.

MR. MURUVELIL PACHU PILLAI (*Shertallai*): ഞാൻ എന്റെ മോഷൻ അവതരിപ്പിക്കുന്നില്ല.

Motion for leave to introduce the Travancore Compensation for Tenants' Improvements Bill.

MR. N. R. KRISHNAN (*Nominated*): ഞാൻ രാജ്യം ഒരു കർഷകരാജ്യമാകുന്നു. എന്നാൽ ഇവിടെയുള്ള കൃഷിക്കാരിലൊരു വസ്തു ഉടമസ്ഥനാകില്ല. അധികംപേരും ജന്മികളുടെ വസ്തുക്കളെ പണയമായും പാട്ടമായും മറുപ്രകാരത്തിലും അനുഭവിക്കുന്നവരാകുന്നു. എന്നാൽ ഞാൻ വസ്തു ഉടമസ്ഥന്മാർ വസ്തുശുദ്ധീകരിക്കുന്ന അവസരങ്ങളിൽ അനുഭവിക്കാൻ ദേഹണ്ഡം കൊടുക്കണം. അങ്ങനെയുള്ള ദേഹണ്ഡം നിശ്ചയിക്കുന്നതിനെ സംബന്ധിച്ച രാജ്യത്തു കൃഷ്ണമായ ഒരു നിയമവുമില്ല. ഇതിലേക്കു ഒരു നിയമമില്ലാതിരിക്കുന്നിടത്തോളം കാലം കൂടുതൽ ദേഹണ്ഡം കിട്ടണമെന്നു കടിയാനവൻ ഏറ്റവും കുറച്ചു കൊടുക്കണമെന്നു ജനിയും